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## **Platform policy and regulation: towards a radical democratic turn**

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# Digital Platform Policy and Regulation: Towards a Radical Democratic Turn

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This article considers challenges to policy and regulation presented by the dominant digital platforms. A radical democratic framing of the deliberative process is developed to acknowledge the full complexity of power relations that are in play in policy and regulatory debates and this view is contrasted with a liberal democratic perspective. We show how these different framings have informed historical and contemporary approaches to the challenges presented by conflicting interests in economic value and a range of public values in the context of media content, communication infrastructure and digital platform policy and regulation. We argue for an agonistic approach to digital platform policy and regulatory debate so as to encourage a denaturalization of the prevailing logics of commercial datafication. We offer some suggestions about how such a generative discourse might be encouraged in such a way that it starts to yield a new common sense about the further development of digital platforms; one that might favor a digital ecology better attuned to consumer and citizen interests in democratic societies.

*Keywords: Digital platforms, media content, communication infrastructure, regulation, deliberation, radical democracy*

It is asserted in the press that the most valuable resource in our age is ‘no longer oil, but data’ (The Economist, 2017, np). This discourse signals a particular view of the economic value of digital platforms and the opportunities and threats associated with their operations. Attention focuses increasingly on a complex computational infrastructure and on the lack of transparency of its commercial operation, inspired by the aim of constituting citizens as datafied subjects as a result of a commercial datafication project (van Dijck, 2014, van Dijck, de Waal, & Poell, 2018; Mayer-Schönberger & Ramge, 2018).<sup>1</sup> The platform business model, favoring the scales and modes of operation of Alphabet’s Google, Amazon, Apple or Facebook, or of Tencent,

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<sup>1</sup> Following van Dijck et al. (2018, p. 4), we define a platform as ‘a programmable digital architecture designed to organize interactions between users’. Datafication is the ability of digital platforms using computerized systems to collect, circulate and process data and metadata – personal and non-personal - and to ‘interpret’ or predict behavior.

Alibaba and Baidu, is often seen as the inevitable result of technological innovation and the uncontrollable ‘winner takes all’ effects of network dynamics. A principal aim of these companies has been depicted as being to deploy ‘technologies of mass individualization’ (personalization) in an attention economy built upon ‘free labor’ (Terranova, 2000). In this type of economy, the collection and processing of personal and other data are regarded in much of the technology and business literature as constituting the quintessential ‘resource’ input that enables the financialization of data through the provision of services to consumers and citizens (Wu, 2016; Elmer, 2019). The predominant industry discourse generally emphasizes a supply side view of the economic potential arising from the platforms’ ownership and control of data, with little consideration of how, and to what end, data are gathered and used.

Although consumers and citizens benefit from an information rich environment tailored to their apparent preferences, responsibility for securing protections against the actual and potential harms of online interaction with these platforms has been located either disproportionately with individual users or has relied largely upon the digital platforms’ self-regulatory measures. Scholarship critical of the dominance of platforms such as Google or Facebook positions them at the core of what has been designated as an all-pervasive ‘surveillance society’ (Lyon, 2018), propelled by ‘platform’ and ‘surveillance’ capitalism (Srnicke, 2017; Zuboff, 2019). There is heightened concern among government and civil society stakeholders about the roles of these platforms in discriminating unfairly among their users. Discussion in Western democracies is focusing on which, if any, measures are needed to curtail these platforms’ ability to operate without mechanisms that can hold their operations accountable to the public (Mansell, 2015; Commission on Truth, Trust and Technology, 2018; Moore and Tambini, 2018). In multiple fora in the Western countries, government and civil society actors seem to be converging around legislation, codes of practice and other tools that, it is argued, will enable effective public oversight of the dominant platforms.<sup>2</sup> However, the priority that public policy should give to conflicting economic and public values (such as privacy, freedom of expression, public safety and security) as it seeks to moderate the dominance of a small number of globally operating platforms is deeply contested among state, corporate and civil society actors as are the criteria which should be used to assess whether or not there is an empirically sustainable case for market intervention.

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<sup>2</sup> For a list of numerous government inquiries into digital platform power, see Platform Regulation Inquiries, Reviews and Proceedings Worldwide, 2019 at <https://tinyurl.com/yy23e8p4>

We suggest in this article that deliberations on platform policy and regulation are unlikely to yield measures that substantially shift the current technological innovation pathway away from ever more sophisticated commercial datafication processes that are projected by some commentators to exacerbate existing harms. This is because, in most of these deliberations, the underlying logics of the platforms' business strategies are not being fundamentally challenged. Yet the expectation is that some mix of older and newer policy and regulatory responses, if implemented effectively, will provide assurance that the dominant platforms will be incentivized to operate in a manner consistent with the public interest. Uncertainty about what priority to accord to often conflicting public values such as freedom of speech, privacy protection or the untransparent biases of algorithm-driven platforms and to the platforms' and states' interests in economic value generation, as well as about the likely outcomes of market interventions, means that the constitution of processes of democratic decision-making in this area is inevitably a contentious issue. This is because these processes have a crucial bearing both on the behavioral and structural measures that are under consideration and on the way the issues are debated and framed. This article is addressing the debates and their framing but we do not aim to provide a detailed analysis of specific policy and regulatory measures.

We develop an argument in support of a radical democratic turn in the way the policy and regulatory debates in this area are constituted. Building upon Mouffe's (1999) approach to democratic agonism,<sup>3</sup> we suggest that contemporary debates about digital platform policy and regulation need to be understood and constituted as processes of continuous contention rather than, principally, as processes intended to *balance* the conflicting values that inform stakeholder interests. If there is to be hope, not only of implementing policies and regulations that mitigate the harmful features of today's digital platform operations, but also, and essentially, of denaturalizing the taken-for-granted logics or 'common sense'<sup>4</sup> notions about the future development of digital platforms this turn is essential. We suggest how policy and regulatory debate

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<sup>3</sup> Mouffe (1999) distinguishes agonism from antagonism. In the latter, political enemies are considered illegitimate. Agonism, however, acknowledges the political legitimacy of the other while reserving the right to fundamentally disagree. We build upon Mouffe's theory in this article by engaging with her processual account of the political as an inherently conflictual space, with the role of democracy being precisely to turn antagonism into agonism. We do not rely on Carl Schmitt's treatment of these issues since our view is that his treatment is problematic given his role as a Nazi ideologue (see also Smolenski, 2012).

<sup>4</sup> Our understanding of 'common sense' is informed by Taylor's (2004) reference to the deeper notions that underpin the ordering of society and by Gramsci's (1971) notion of cultural hegemony.

might become generative of alternatives to the digital platforms' mass individualization strategies which are leading to the intensification of the commercial datafication of citizens' and consumers' lives.

We start with a discussion of our theoretical framework in the next section, followed by a review of the rationales used historically to justify the policy and regulatory treatment of the media content (mainly broadcasting) and communication (network provider) industries and the articulation of these rationales in the contemporary period of digital platform dominance, highlighting conflicts among values which have informed various market interventions. The way our theoretical framework informs a move towards a radical democratic deliberation process to underpin responses to these platforms is developed in the next section. We also briefly sketch out several moves that might facilitate our proposed approach to digital platform policy and regulatory debates. The conclusion summarizes our argument by considering its importance as a means of denaturalizing claims about the inevitability of the contemporary pathway for digital platform development.

### **A Turn to Radical Democratic Theory**

Traditional liberal democratic theory advocated the need for a stark distinction between the state and civil society and between the public and the private. Economic interests were subsumed under civil society in line with a Hegelian conception of the latter (Hegel, [1821]1952). The main role of the state in a liberal democracy often was understood to be protecting property and individual rights, more so than safeguarding social or collective interests. The collective was often regarded dangerous as suggested by the preoccupation of liberal theorists such as Alexis de Tocqueville and John Stuart Mill with the tyranny of the majority in their effort to sustain what they considered to be 'justifiable privilege' (Oldfield, 2000, p. 13). The experiences of fascism and communism, which in different ways fundamentally challenged the liberal model, only reinforced their fear of an irrational majority. This position subsequently led to a plea to minimize citizen's political participation to voting responsible elites in and out of government (Schumpeter ([1942]1973). Defenders of a more participatory model of liberal democracy, in contrast, foregrounded the importance of rationality in political debate and favored a consensual solution-oriented approach to decision-making (Habermas, 1984).

The interplay of traditional and elitist liberal democratic theories – in contrast to those who sought to privilege the collective interest in civil liberties and political rights (Macpherson, 1962) – ultimately led to the rise of a dominant neoliberal

articulation of liberal democracy whereby the state is expected to fulfill a minimal role of providing an institutional infrastructure that favors commercial markets, these markets are assumed to largely self-regulate, individuals are disaggregated from the collective and treated as having agency to express their preferences through marketized relations, and society is deemed not to exist, paraphrasing Thatcher. The focus on rationality and on consensus, as is prevalent in Habermassian democratic norms and deliberation, has meant that arguments fundamentally contesting this neoliberal hegemony could relatively easily be positioned as irrational and unreasonable; as existing outside the prevailing consensus. As such, deliberative mechanisms that enable consensual decision-making can delegitimize alternative and minority viewpoints (Mouffe, 1999).

In contrast to these traditions in liberal democratic theory, radical democratic theory highlights, and even celebrates, the inherently conflictual nature of ‘the political’. It emphasizes the need to make conflicts, and competing stakeholder interests at the heart of conflicts, explicit in democratic debates. It pushes pluralist liberal theories (Dahl, 1971) that bit further which is why radical democratic theory is sometimes designated as radical pluralism. Conflict, however, is not seen as the beginning or end of a democratic process since solutions must be found and decisions must be made at some point. The difference is that such decisions are presented in the radical democratic theory tradition as temporary compromises or ‘respite in an ongoing confrontation’ among contested values (Mouffe, 1999, p. 755), rather than as a new consensus achieved through a comparatively stable balancing of interests and values.

In this context, liberal democratic debate which informs most contemporary platform policy and regulatory discussions, frames discussion around the use of behavioral and/or structural remedies that are unlikely to fundamentally challenge the underlying logics of the commercial datafication project, even when they do modify some of the incentives facing the platform operators justified by social or political concerns.<sup>5</sup> In contrast, in a radical democratic theory framing, encounters among

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<sup>5</sup> Liberal democratic framings, informed by neoliberalism, typically start from the position that growing the digital economy is essential. The challenge is to reduce or mitigate harms within that context by introducing behavioral remedies and requiring reasonably practical platform actions proportionate to the severity and scale of harms, measured using risk-based approaches. It is often assumed that it is feasible to give citizens control by, for instance, enabling them to switch platforms. Many of the responses to platform power are in essence *mitigation strategies*, coupled with the promise of building

stakeholders in such debates with differing values and expectations about how digital platforms should operate are regarded as being ‘political’; that is, they are understood as conflictual and contentious as in a liberal democratic framing, but also, and importantly, as agonistic. The aim of political debate is thus not to achieve a balancing of values, but rather to give recognition to the broadest plurality of interests and to render underlying conflicts visible to all by revealing that which otherwise would go unnoticed. In our context, the concern is with the way the underlying commercial datafication business model works with respect to economic value generation and other public values. The notion of democratic agonism requires a process that can enable the denaturalization of the prevailing common sense; in our case, the view that mass individualization, achieved by increasingly subtle and largely opaque manipulations of citizens’ information environments, is socially desirable and should be intensified, albeit subject to certain limits. It requires that evidence and arguments are discussed in ways that can expose the ideological underpinnings and interests that are being privileged in order to render that which would otherwise go unquestioned open to debate. In this way, the deliberative process is expected to be generative of alternatives to hegemonic ideas prevailing at a given time, thereby creating the potential for change in the societal values that are privileged in subsequent decisions.

In this theoretical framing, the understanding of power differs from that which is central to a liberal democratic view. Radical democratic theory foregrounds a more complex understanding of power which is acknowledged as essentially contested. Power is understood to be both conflictual and solution-oriented and both productive and repressive (Foucault, 1980; Haugaard, 2002). Asymmetric power is conceived as a ‘property of systems or structures’ (Dowding, 2012, p. 119) and to reside with a variety of actors, but it is also situated in resistance, in the allocation of subject-positions and in processes of knowledge production, in our case, concerning the values which should be privileged in a digital ecology. In a radical democratic framing of power, the classic distinction between *power over* and *power to* which informs liberal democratic theory is complicated by a view of conflictual power that highlights the productive co-existence of both repressive and emancipatory power.

This co-existence is understood to be articulated *through discursive practices* that constitute what comes to be regarded as common sense; as that which cannot be questioned (Foucault, 1981; Lukes, 2005). Platforms, for example, provide opportunities for individuals and groups to express themselves and to exert their

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user trust and confidence as a foundation for informed individual choice (see for example, DCMS and Home Dept., 2019).

agency (*power to*), but within constraints set by the design and terms and conditions for their use which are actively policed by these companies and enabled by the state (*power over*). When attention is additionally given to discursive practices (*power through discourse*), it becomes easier to understand how these discourses succeed in obscuring the harmful consequences of commercial datafication by keeping the underlying logics of platform business models outside the boundaries of debate. Here, we depict liberal democratic and radical pluralism for the purposes of our argument as oppositional poles, but we acknowledge that throughout the history of Western thought they have played out in practice in complex ways.

In the next section, we highlight some of the ways in which policy and regulation in relation to the media content and communication infrastructure industries and, in the contemporary period, in relation to digital platform policy and regulation, historically have approached the problem of contested values, informed largely, but not exclusively by, the liberal democratic tradition.

### **Historical and Contemporary Value Contestations**

The approach to value contestations has changed with realignments of stakeholder interests and with shifts in the roles expected of corporate, state and civil society actors (Kim & Ball-Rokeach, 2006; Mansell & Raboy, 2011). In Western countries, states have been crucial actors because they establish the institutional conditions for markets to operate and because of their authority to sanction non-compliance with rules and norms of behavior that affect which economic or public values have been privileged at different times.

#### ***Historical Value Contestations***

In the liberal democratic tradition, the particular balance achieved through policy and regulatory intervention among different values at different times in the history of the media content and communication industries has been justified by a variety of rationales. For example, states have employed social and cultural rationales to underpin measures to mitigate harms created by a lack of diversity in media content, seeking to establish a democratic mediated public sphere by acknowledging the public value of media content associated with educating and informing citizens (Dahlgren 1995).



State interventions often involved public ownership of the media.<sup>6</sup> In privileging the public value of a pluralistic media content industry, legal limits were placed on the cross-media ownership holdings of commercial media providers (Doyle, 2002; McChesney & Schiller, 2003). Obligations were attached by the state or its institutions to broadcast licensees such as requiring commercial broadcasters to produce quality news broadcasts, to limit advertising to children or to support local cultural content (Cammaerts, 2009; Gunter, Oates, & Blades, 2005). State ownership of telecommunication infrastructures in many countries was aimed at promoting access to telecommunication infrastructures for those living in rural and urban areas and for disadvantaged groups. When private monopolies were found to be engaged in unfair discriminatory pricing, limits to these practices through state intervention were aimed at privileging social, cultural or political commitments to the universality of access (Calabrese & Burgelman, 1999; Mansell & Raboy, 2011).

Political rationales have been important in justifying state interventions to protect national and individual security, often through censorship of seditious media content in both peace and war time (Carruthers, 2011). The interception of communication messages has provided a justification for states to exercise their powers to protect national security using communication surveillance when it has been deemed to be in the citizens' interest to protect them from crime or terrorism (Winseck, 2018), and despite claims that citizens' rights have been infringed. Claims that certain moral, ethical and religious values should be upheld have resulted in state interventions to curtail or ban the circulation of illegal and harmful media content in specific instances. Anti-blasphemy, anti-obscenity and hate speech legislation has been used to suppress public speech and post-publication repression has existed in cases such as hate speech or, for example, discourses denying the holocaust (Waldron, 2012). Yet, at the same time, policies have been aimed at upholding democratic rights through the protection of freedom of expression and of the right to individual privacy, consistent with liberal constitutions and with 'the core aim of a democratic constitutional state' which privileges the liberty of the individual and protects against state interference (De Hert & Gutwirth, 2006, p. 67). In this context, there has been a strong preference for protecting individual rights following Mill's (1869, p. 94) assertion that freedom of expression is pivotal for the 'mental well-being of mankind (on which all their other well-beings depend)'. Limits have, therefore, been placed by parliaments on law enforcement and other government agencies' surveillance of citizens, consistent with prevailing views of the requirements for a political environment consistent with

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<sup>6</sup> As we are principally concerned with electronic media content in this article, the issues of press regulation are not addressed here.

democracy (Rössler, 2005; Schwartz, 2003).

Policy and regulatory measures always have been contentious with regard to the role of the state and private sector actors. Such measures historically have involved a mix of structural and behavioral remedies, justified typically as representing an appropriate balance among stakeholder interests. This has been so despite ongoing disputes, for example, about the scope for viable public service media or for open access to networks and services. Policy and regulation were institutionalized through state legislation and various agencies and, increasingly under neoliberalism, through co-regulation (state and corporate) or industry self-regulation. Industry self-regulation was often justified by the argument that this approach was preferable to state industry-specific intervention in order to respect individual agency and rational consumer choice (Price & Verhulst, 2005; Tambini, Leonardi, & Marsden, 2007). Policy and regulatory interventions frequently were, and often continue to be, justified in the Western democracies by the need to ‘balance’ stakeholder interests in economic value with their interests in public values. However, while one set of measures may have protected freedom of expression, simultaneously, another may have curtailed that freedom. This has resulted in ongoing tensions. These interventions have entailed varying mixes of the exercise by the state of *power over* private companies to achieve control and even repression of citizen rights, alongside the state’s *power to* protect democracy, elevating the priority accorded to public values such as freedom of expression or individual privacy protection, influenced additionally by the power of discursive practice.

### ***Contemporary Value Contestations***

In the contemporary digital platform ecology, conflicts between those seeking to privilege economic value and those seeking to establish a workable prioritization of public values are resulting in substantial policy and regulatory challenges. This is only partly because the digital platforms do not fit easily, if at all, within the confines of earlier approaches to either media content (broadcasting) or communication network regulation. Their emergence has been facilitated until quite recently by a preference for self-regulation, subject also to a range of market facilitating legislation and exemptions. Policy makers and regulators are struggling to devise effective approaches to these new entities in the face of public concern about the potential and actual harms associated with the promulgation by industry and some branches of the state that are concerned about technological innovation and leadership of the platforms’ mass individualization model and their dominance in the global datafication marketplace

(Cohen, 2017). Debate is focusing on appropriate policy and regulatory responses and how they should be institutionally devised and constituted.

The emphasis on industry self-regulation in the Western countries with a view to stimulating innovation in what started as nascent digital platform industry has meant that the platform owners have been able to privilege their ambition to generate economic value through the monetization of data in ways that are now being acknowledged to have neglected the protection of public values and citizen rights (Mansell, 2015; Moore & Tambini, 2018). The companies are introducing initiatives in the wake of advertiser and consumer resistance to their operations as well as pressures applied by states to modify their business practices. They have introduced internal codes of practice and transparency reports in their attempts to assure advertisers as well as states, consumers and citizens that their practices are consistent with public values such as individual privacy protection and the right to freedom of expression. These actions are increasingly, however, regarded as insufficiently responsive to the harms associated with their datafication practices and as raising issues about their accountability to the public (Commission on Truth, Trust and Technology, 2018).

Under prevailing self-regulatory regimes, platform operators can exercise their own judgement about the priority to be given to conflicting economic and public values through, for example, their power to manage media content curation, subject to legal oversight of hate speech (Twitter Safety, 2017; Facebook, 2018; Mayer-Schönberger & Ramge, 2018). Their relatively unconstrained growth through mergers and acquisitions has led to the charge that they are the ‘robber barons’ of the 21<sup>st</sup> Century (Wu, 2018). Yet, self-regulation, as well as moves to regulate the platforms, frequently seem to favor the platforms’ commercial datafication strategies which are often treated as the latest taken-for-granted signifiers of the appropriate way for the platforms to contribute to economic benefit and to the enhancement of individual well-being.

Government-led policy and regulatory processes are being considered, or have been introduced, in Western countries with the justification that measures are needed to protect consumers and citizens from harms associated with the undermining of public values by the platform operators. In the United States, for example, it has been suggested that as a means of balancing interests in freedom of expression and in revenue growth, the dominant platforms should be subject to public utility legislation with a view to treating them as conduits without regard to the nature of their digital content and its organisation (Crawford, 2018, np). Others have suggested that co-

regulatory frameworks are needed to introduce incentives for the platform operators to behave as ‘responsible guardians’ (Gillespie, 2018) and as a way of ‘balancing’ economic value with public values (Marsden, 2018). Yet, at the same time, the prevailing common sense is that platform dominance and its associated harms are inevitably the outcome of network effects associated with digital market dynamics (Haucap & Hemeshoff, 2014). The dominance of the current digital platforms, it is often argued, is likely to diminish only in the wake of further technological innovation in a competitive (global) marketplace.

In the United Kingdom and other Western countries, the exposure of Cambridge Analytica, the data analytics company which abused Facebook’s data holdings and misused personal data (Scott, 2018), has led to vigorous calls for state intervention, with increasing references to the need for an independent regulator charged with achieving a better balance between public values and the economic value generation interests associated with platform market ‘winner take all’ outcomes (Commission on Truth, Trust and Technology, 2018; Wu, 2018; Barwise and Watkins, 2018). At the time of writing, in the United Kingdom, proposals call for measures to require the platforms to acknowledge a ‘duty of care’ and to abide by codes of practice with respect to data collection, processing and content moderation. Other proposed measures include requiring data portability to stimulate competition, new taxes and fines for non-compliance with data protection legislation (DCMS and Home Dept., 2019). At the European Union level, the 2018 General Data Protection Regulation (GDPR) was introduced to enhance the protection of personal data and the individual’s right to privacy and legislation is being developed to update electronic commerce provisions.

The measures being considered (or acted upon) by individual states, the European Union (e.g. the GDPR, updating e-Privacy legislation, and revisions to commercial trading legislation and to electoral laws), go some way towards encouraging a new balancing of values but this process is not without contradiction and controversy in relation to the goals of sustaining values consistent with democracy. For example, in Europe, on the one hand, online engagement should be ‘free from interference from public authorities and powerful private actors’, but, on the other, it should be balanced with interventionist protections for adults and children from online harms (European Commission, 2018, p. 20). Nevertheless, the prevailing expectation, consistent with privileging individual choice within a liberal democratic framing, persists that individuals have the time, and will have the digital literacies and the motivations to secure their own interests in the wake of progressive datafication practices (Livingstone, 2008; Helberger, 2013).

Devolving responsibility to individual consumers or citizens to self-regulate their interactions online in order to protect themselves against privacy intrusions and other potential harms is consistent with the prevailing ‘common sense’, consistent with pressures acknowledged for some time by those concerned with the reflexive project of modernity and individualization more generally (Beck, Lash, & Giddens, 1994). Thus, policy and regulatory measures that are contemplated in response to the dominant digital platforms are unlikely to fundamentally destabilize the digital platforms’ business model of mass individualization. While new approaches leading to the exercise of state power over the platforms and to the exercise of its power to uphold citizen rights are being introduced (and contested), it is also argued that new measures to increase the platforms’ transparency and accountability to the public come ‘at the cost of a deeper engagement with the material and ideological realities of contemporary computation’ (Ananny & Crawford, 2018, p. 974).

Conflicts between public values such as public security and the right to be free of surveillance, and between maximizing economic value and various other public values such as privacy protection or freedom of expression, did not prevent market intervention in traditional media content or communication markets historically. However, framed by the precepts of the liberal democratic approach with its relatively narrow view of power relations, today’s policy and regulatory interventions do relatively little, we suggest, to tackle the risks associated with basic logics of datafication and commercial mass individualization. This is because the search for a balance among conflicting values typically occurs within a framework that regards these logics as inevitable under capitalism.

It may be argued that the absence of a fundamental challenge to these logics is due to the incapacity of individual states to force globally active US-based platform companies to change their behavior in the contemporary struggle to balance contested values. However, we suggest that in the still prevailing neoliberal era, it is economic value accumulation, promoted through investment in technological innovation and celebrating applications of artificial intelligence and machine learning, that is valued most highly. As long as this skewed valorization persists, policy and regulatory measures are unlikely fundamentally to challenge the underlying hegemonic logic of commodity forms of datafication which is not to claim that there are no signs of contestation. The reticence of democratic states to intervene forcefully in the digital platforms’ markets in a way that might lead to a major shift in the way digital services and applications are provided is also explained by the risks posed to freedom of expression and by the difficulty of rigorously demonstrating the effects on individuals

or on society of the circulation of illegal or harmful digital content in society (Tucker et al., 2018; Nielsen, 2018). Missing from public debate is a fundamental challenge to the contemporary common sense about alternative pathways and a different value mix that might come to inform digital platform policy and regulation.

To effectively challenge the hegemonic view of the digital platform ecology, we suggest that an agonistic democratic process holds much potential. In the next section we explain how a turn towards radical pluralism might be expected to alter the deliberative processes concerned with digital platform policy and regulation.

### **Towards Radical Democratic Deliberation**

What processes are needed to enhance the likelihood that democratic deliberation will allow for a fundamental challenge to the logic of mass individualization and the commodified datafication of citizens and consumers? We argue that three moves are needed. The first is recognition of the need to constitute policy and regulatory debate within some form of independent and multistakeholder institution. The second is embrace of a turn to radical pluralism as discussed earlier, applying insights from this theoretical tradition to the practice of digital platform policy and regulatory deliberation. The third is practical measures which might begin to accomplish the first two moves. There is insufficient space in this article to develop detailed institutional design recommendations. Instead, we offer observations on what the constitution of debate about digital platform policy and regulation might entail.

### ***Multistakeholderism and Deliberation***

First, multistakeholder internet governance arrangements were the preferred way to manage conflicting state, corporate and civil society interests when it was designed as an open, content blind network (Franklin, 2013). These arrangements have been deemed to offer a means of ensuring an inclusive role for civil society actors with the expectation that policy introduced through this approach might be more effective than state, co- or self-regulatory approaches in achieving decisions about the priority to be given to contending economic and public values, thereby enhancing the legitimacy of decisions (Hemmati, 2002). Situated between representative and participatory democracy, multistakeholder processes in the broad field of internet governance also have been characterized as a means of securing an increased likelihood of compliance (*power over*) by both states and corporate providers of the internet's infrastructure as well as supporting the *power to* secure or defend fundamental rights to an open internet (Dutton & Peltu, 2009; Cogburn, 2017).

In some cases these arrangements for internet governance have been criticized for becoming ‘talking-shops’ without effective leverage to secure the public interest (Powell, 2013), especially when procedures that may appear to ‘balance’ conflicting values have been found to result in the co-optation of civil society groups which then privilege values favored by dominant corporate (or state) actors. In other instances, the apparently consensual ‘spirit’ has been found to have excluded alternative outcomes that might have contested prevailing hegemonies, achieved, in part, through the power of discourse (Cammaerts, 2008; Hintz & Milan, 2009; Franklin, 2013; Hintz, Dencik, & Wahl-Jørgensen, 2019). Thus, policy and regulatory interventions devised through multistakeholder processes also implicate *discursive power* to provide legitimacy for outcomes, exceptionally resulting in an outcome that all stakeholders may regard as fairly ‘balancing’ all their interests. Multistakeholder approaches embrace the essential need to ensure democratic representation in policy and regulatory processes. We therefore join with others who call for the independence and inclusiveness of any initiatives to institute novel digital platform policy and regulatory approaches (Ananny & Crawford, 2018). However, this is not a sufficient response to the problem of addressing value conflicts associated with contemporary digital platforms.

### ***Radical Pluralism and Digital Platform Debate***

As indicated earlier, policy and regulatory responses to a changing digital platform ecology typically have been framed by the goal of achieving a consensus on the best ‘balance’ among contested values. Multistakeholder approaches may have the potential to broker outcomes that give greater weight to certain public values, but, as we have argued, a denaturalization of the digital platform logics is also needed. This requires the capacity to contest the hegemonic common sense regarding digital technology and market innovation involving the unfettered commodification of individuals’ data and the individualization of responsibility for the avoidance of harms. A second move is therefore essential if this denaturalization process is to be set in train. This move involves embracing a turn towards radical pluralism and the application of insights from this theoretical tradition to the practice of digital platform policy and regulatory deliberation.

This turn acknowledges continuing contention over values and that discursive power may be repressive or emancipatory. Such an agonistic process must be open to debates on issues which otherwise would go largely unquestioned. In this instance, the overarching commitment to business models that are designed to maximize profit from datafication processes in ways that jeopardize Western commitments to the protection

of citizens' fundamental rights, well-being and democracy. By effectively challenging the taken-for-granted common sense of the digital platforms, it is more likely that discursive practice can become generative of alternative visions for the design and use of digital technologies that work in support of (rather than against) democratically agreed public values.

This move involves attention to generative discursive power to render visible asymmetries and biases in the construction of knowledge about, and the causes and consequences of, the contemporary digital platform logics. Such an approach, arguably, has the potential to yield a new understanding of the appropriate role of digital platforms in the *constitution* of 'the political' in society. Denaturalizing the logics of commercial datafication is likely to yield a new temporary common sense to guide innovations in the digital industry's market structure and business practices as well as in non-commercial service and applications that might be more responsive to the requirements of a democracy.

Policy and regulatory debates aimed at challenging the logic of commercially sponsored mass individualization, ultimately, would not balance out value conflicts between security and privacy, between freedom of speech and its limits, or between commercial interests and public concerns. These value conflicts would continue to assert themselves, but this move would make policy and regulatory proposals explicitly subject to agonistic democratic debate. A radical agonistic process could stimulate debate about the very nature of the digital platform datafication model and its implications for individual and collective well-being by invoking discursive power to probe the contemporary common sense.

### ***Practical Implications of a Turn to Radical Pluralism***

The third move is a set of practical measures which might begin to accomplish the first two moves. The radical democratic pluralism framing of digital platform policy and regulatory issues suggests practical applications because it calls for a change in the constitution of the process of deliberation with regard to digital platform policy and regulation. Debate predicated upon the assumption that there is a need to do more than pursue a balance among conflicting values would enable questions and solutions to be discussed that are not typically part of the conversation, precisely because they impact on the commercially sensitive interests of the digital platform companies.

Thus, questions guiding a denaturalization process of the prevailing digital



platform common sense might include: should platform company designed-in infringement of their end users' privacy for commercial purposes be severely restricted or even disallowed? Should these companies be banned from profiting from the dissemination of hate-speech and misinformation? Is there a case for the development of public service platforms to support online search and social interaction in Europe and elsewhere? Should the use of algorithms and machine learning in certain socially impactful contexts be limited until such time as there is a realistic possibility of auditing outcomes? Debate on these issues is more likely to be generative of alternative approaches to the provision of digital services and applications than is the case when these issues remain outside the framing of debate. Contemporary common sense ideas about how citizen and consumer agency and freedom to choose are constituted by the digital ecologies of Western democratic societies need to be probed if taken-for-granted knowledge about these platforms is to be denaturalized and challenged more effectively.

There are, of course, calls for alternative uses of digital technologies and approaches to their provision that might help to counter the dominant platforms such as civil society platform and/or data ownership. Such proposals may go some way towards giving a higher priority to public values (Trottier & Fuchs, 2015), but most such proposals also embrace datafication using far from transparent automated machine learning processes, albeit in ways that are much less dependent on the commercial logic of profit. The challenge is to design means of broadening the basis for, and the likelihood of, a more penetrating critique of the prevailing common sense about these developments. However, this will require a turn to a deliberative process that enables a denaturalization which can call explicit attention to the problems inherent within the prevailing common sense as a guide to policy and regulatory intervention.

We suggest that such a turn to radical pluralism is more likely to mobilize a broader debate - one that distinguishes between debate framed largely within the existing platform business model context and the technology innovation context, and debate that is designed explicitly to be generative of alternatives. These might include new technology innovation directions and alternative approaches to the supply and use of digital platform services and applications. In this context, it is not only the state's *power over* the existing platforms or its *power to* protect consumer and citizen rights which are at stake. It is also, and importantly, *discursive power* and practices as generative of novel approaches that are implicated too.

Practical steps toward a revised framing of digital platform policy and regulatory debates consistent with radical pluralism might include, for example, the integration of mainly separate debates about artificial intelligence, machine learning innovation and their ethical development and deployment with debates about the dominant digital platforms' role in datafication processes in existing markets. Other steps would involve explicit recognition of discursive practices – both repressive and emancipatory. This would help to make explicit the fact that many currently proposed policy and regulatory responses to digital platform power have contradictory consequences for economic value generation and for upholding public values (privacy, freedom of expression, etc), often heightening rather than reducing the risk of citizen's rights infringement.

An additional step would be to ensure that independently constituted and fully representative bodies are charged with monitoring and critically assessing the impacts of responses to platform power. In this we join with scholars calling for research to evidence the actual and potential harms associated with the ongoing intensification of commercial datafication processes. This requires attention to the incentives facing the dominant platforms, not only in terms of their impact, but also in the light of alternative models and approaches, including non-market provision and pausing or halting the offer of certain technologically feasible services and applications. Processes are also needed that would provide for active mediation among stakeholders, for example, by organising public hearing at given intervals, convening focus groups with the general public, and hosting media campaigns explaining contentious issues and why they matter for the welfare of citizens in Western democracies.

## **Conclusion**

We have argued that a principal aim of debate about the role of the dominant digital platforms in Western democracies must be to denaturalize the prevailing hegemonic commitment to the idea that the benefits of datafication for consumers and citizens through intensified mass individualization within a digital ecology necessarily will come to outweigh the risks to citizens and democracy. The radical turn we advocate is the realization that any 'balancing' of economic and public values needs to occur within a context that allows for a reframing of 'common sense' notions about whether and how digital platforms foster individual autonomy and collectively held values in democratic societies.

The outcomes of a radical democratic approach to digital platform policy and regulation cannot be foreseen. However, the timing is ripe for the moves we propose. Various scholars are claiming that the current digital technology pathway pursued by the dominant platforms is leading towards less transparent, and yet more pervasive and harmful, processes of commercial datafication (Mansell, 2017; Cohen, 2017; van Dijck et al., 2018; Couldry & Mejias, 2019; Zuboff, 2019). There are instances of blocking (at least temporarily) the transition of technology innovations, such as face recognition in public spaces, to the market. There are controversies about the chilling effects of some regulatory measures on speech freedoms. And there are signs of a renewed impetus towards investigation of the case for breaking up the dominant digital platforms. Thus, there is momentum in Western democracies which is starting to destabilize the prevailing common sense about the virtues of a capitalist market-driven technology innovation pathway.

The radical turn we propose requires a move beyond a refashioning of policy and regulation to achieve a rebalancing of economic and public values in the contemporary digital platform era. It envisages a more explicit recognition of intrinsic and unresolvable conflicts among contested values, underpinned, additionally, by an agonistic process that might enable a denaturalization of the prevailing knowledge hegemony concerning digital platforms and their role in society. Through generative agonistic debate, it may become feasible to build a new (temporary) common sense about the provision of digital platform service and application that is more consistent with democratic precepts, including respect for citizens' fundamental human rights. If responses to the digital platforms' operations do not alter the pathway of future developments, policy and regulatory responses in the liberal democratic tradition are likely to continue to be reactive *within* the logics of the digital platforms' datafication project. Alternatives, consistent with an emancipated citizenry and, indeed, with the precepts of Western democracy, we argue, are more likely to emerge through processes of debate that acknowledge the constitution of 'the political' and, therefore, the need for policy and regulatory debate that is constituted in the manner we propose.

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## References

- Ananny, M., & Crawford, K. (2018). Seeing without knowing: Limitations of the transparency ideal and its application to algorithmic accountability. *New Media & Society*, 20(3), 973–989. doi:10.1177/1461444816676645
- Barwise, P., & Watkins, L. (2018). The evolution of digital dominance: How and why we got to GAFA. In M. Moore & D. Tambini (Eds.). *Digital dominance: The power of Google, Amazon, Facebook, and Apple* (pp. 21–49). Oxford: Oxford University Press.
- Beck, U., Lash, S., & Giddens, A. (Eds.). (1994). *Reflexive Modernization*. Cambridge: Polity Press.
- Calabrese, A., & Burgelman, J.-C. (Eds.). (1999). *Communication, citizenship, and social policy: rethinking the limits of the welfare state*. Lanham, MD: Rowman & Littlefield Publishers.
- Cammaerts, B. (2008). *Internet-Mediated Participation Beyond the Nation State*. Manchester: Manchester University Press.
- Cammaerts, B. (2009). Community radio in the West: A legacy of struggle for survival in a state and capitalist controlled media environment. *International Communication Gazette*, 71(8): 1–20. doi:10.1177/1748048509345057
- Carruthers, S. (2011). *The media at war – 2<sup>nd</sup> Edition*. Basingstoke: Palgrave Macmillan.
- Cogburn, D.L. (2017). *Transnational Advocacy Networks in the Information Society: Partners or Pawns?* New York, NY: Palgrave Macmillan.
- Commission on Truth, Trust and Technology (2018). *Tackling the information crisis: A policy framework for media system resilience*. London: Department of Media and Communications, LSE: <https://tinyurl.com/y6rx9dbn>
- Cohen, J.E. (2017) Law for the Platform Economy. *U.C. Davis L. Rev.*, 51, 133-204.
- Couldry, N., & Mejias, U.A. (2019). *The Costs of Connection: How Data is Colonizing Human Life and Appropriating It for Capitalism*. Stanford, CA: Stanford University Press.
- Crawford, S. (2018). Calling Facebook a utility would only make things worse. *Wired*, 4 April: <https://tinyurl.com/y99ha6m2>
- Dahl, R. (1971). *Polyarchy: Participation and opposition*. New Haven, CT: Yale University Press.

- Dahlgren, P. (1995). *Television and the public sphere: Citizenship, democracy and the media*. London: Sage.
- De Hert, P., & Gutwirth, S. (2006). Privacy, data protection and law enforcement. Opacity of the individual and transparency of power. In E. Claes, S. Gutwirth, & A. Duff (Eds.). *Privacy and the Criminal Law* (pp. 61–104). Antwerp: Intersensia.
- Department of Culture, Media and Sport (DCMS) and Home Department (2019). *Online harms White Paper*. London: <https://tinyurl.com/y6fcxq2k>
- Dowding, K. (2012). Why should we care about the definition of power?. *Journal of Political Power*, 5(1), 119–135. doi:10.1080/2158379X.2012.661917
- Doyle, G. (2002). *Media Ownership: The Economics and Politics of Convergence and Concentration in the UK and European Media*. London: Sage.
- Dutton, W.H., & Peltu, M. (2009). The new politics of the internet: multi-stakeholder policy-making and the internet technocracy. In A. Chadwick & P.N. Howard (Eds.). *Routledge Handbook of Internet Politics* (pp. 384–400). London: Routledge.
- Elmer, G. (2019). Prospecting Facebook: The limits of the attention economy. *Media, Culture & Society*, 41(3), 332–346. doi: 10.1177/0163443718813467
- European Commission (2018). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Tackling online disinformation: A European Approach, COM(2018) 236 final, Brussels, 26 April.
- Facebook (2018). Community Standards – Chapter 12: Hate Speech: <https://tinyurl.com/ycdnabdp>
- Foucault, M. (1980). *Power/knowledge: Selected interviews and other writings 1972-1977*. Brighton: Harvester.
- Foucault, M. (1981). The Order of Discourse. In R. Young (Ed.). *Untying the Text: A Post-Structuralist Reader* (pp. 48–78), Boston, MA and London: Routledge & Kegan Paul.
- Franklin, M.I. (2013). *Digital Dilemmas: Power, resistance and the internet*. Oxford: Oxford University Press.

- Gillespie, T. (2018). *Custodians of the internet: Platforms, content moderation, and the hidden decisions that shape social media*. New Haven, CT: Yale University Press.
- Gunter, B., Oates, C., & Blades, M. (2005). *Advertising to children on TV: Content, impact, and regulation*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Habermas, J. (1984). *The Theory of Communicative Action, Volume 1: Reason and the Rationalization of Society*, Boston, MA: Beacon Press.
- Haucap, J., & Heimeshoff, U. (2014). Google, Facebook, Amazon, eBay: Is the internet driving competition or market monopolization?. *International Economics and Economic Policy*, 11(1-2), 49–61. doi:10.1007/s10368-013-0247-6
- Haugaard, M. (Ed.). (2002). *Power: A reader*. Manchester: Manchester University Press.
- Hegel, F. ([1821]1952). *Philosophy of Right* (English translation with notes by T. M. Knox). Oxford: Oxford University Press.
- Helberger, N. (2013). Form matters: Informing consumers effectively. *Amsterdam Law School Research Paper No. 2013-71, Institute for Information Law Research Paper No. 2013-10*. September: <https://tinyurl.com/y8t5ht4f>
- Hemmati, M. (Ed.). (2002). *Multi-Stakeholder Processes for Governance and Sustainability: Beyond deadlock and conflict*, London: Earthscan.
- Hintz, A., & Milan, S. (2009). At the margins of Internet governance: grassroots, techgroups and communication policy. *International Journal of Media and Cultural Politics*, 5(1&2), 25-38. doi:10.1386/macp.5.1-2.23\_1
- Hintz, A., Dencik, L., & Wahl-Jørgensen, K. (2019). *Digital citizenship in a datafied society*. Cambridge: Polity.
- Kim, Y.-C. and Ball-Rokeach, S.J. (2006). Civic engagement from a communication infrastructure perspective. *Communication Theory*, 16(2), 173–197. doi:10.1111/j.1468-2885.2006.00267.x
- Livingstone, S. (2008). Engaging with media – a matter of literacy?. *Communication, Culture & Critique*, 1(1), 51–62. doi:10.1111/j.1753-9137.2007.00006.x
- Lukes, S. (2005). *Power: A Radical View* – 2<sup>nd</sup> Edition. Basingstoke: Palgrave MacMillan.

- Lyon, D. (2018). *The culture of surveillance: Watching as a way of life*. Cambridge: Polity.
- Macpherson, C.B. (1962) *The political theory of possessive individualism*. Cambridge: Clarendon Press.
- Mansell, R. (2015) The public's interest in intermediaries. *Info*, 17(6), 8–18. doi: 10.1108/info-05-2015-0035
- Mansell, R. (2017) Bits of power: Struggling for control of information and communication networks. *Journal of the Political Economy of Communication*, 5(1): 2–29.
- Mansell, R., & Raboy, M. (2011). Introduction: Foundations of the theory and practice of global media and communication policy. In R. Mansell & M. Raboy (Eds.). *Handbook on global media and communication policy* (pp. 1–20). New York, NY: Blackwell-Wiley.
- Marsden, C.T. (2018). How law and computer science can work together to improve the information society. *Communications of the ACM*, 61(1), 29–31. doi: 10.1145/3163907
- Mayer-Schönberger, V., & Ramge, T. (2018). *Reinventing capitalism in the age of big data*. London: John Murray.
- McChesney, R.W., & Schiller, D. (2003). The political economy of international communications: Foundation for the emerging global debate about media ownership and regulation. *Technology, business and society programme paper #11*. Geneva: UN Research Institute for Social Development.
- Mill, J.S. (1869). *On liberty*, London: Longman, Roberts & Green.
- Moore, M., & Tambini, D. (Eds). (2018). *Digital dominance: The power of Google, Amazon, Facebook, and Apple*. Oxford: Oxford University Press
- Mouffe, C. (1999). Deliberative democracy or agonistic pluralism? *Social Research*, 66(3), 746–758.
- Nielsen, R.K. (2018). *Six key points from the EU high level group's new report on disinformation*. Oxford: Reuters Institute: <https://tinyurl.com/y8clated>
- Oldfield, A. (2000) Liberal Democratic Theory: Some Reflections on Its History and Its Present. In J. Garrard, V. Tolz & R. White (eds) *European Democratization since 1800* (pp. 6–25). Basingstoke: Macmillan Press Ltd.

- Powell, A. (2013). Argument-by-technology: How technical activism contributes to internet governance. In I. Brown (Ed.). *Research Handbook on Governance of the Internet* (pp. 198–220). Cheltenham: Edward Elgar Publishing.
- Price, M.E., & Verhulst, S.G. (2005). *Self-regulation and the internet*. The Hague: Kluwer Law.
- Rössler, B. (2005). *The Value of Privacy*. Cambridge: Polity Press.
- Schwartz, P.M. (2003). German and U.S. Telecommunications Privacy Law: Legal Regulation of Domestic Law Enforcement Surveillance. *Hastings Law Journal* 54(4), 751–804.
- Scott, M. (2018). Cambridge Analytica helped ‘cheat’ Brexit vote and US election, claims whistleblower. *Politico*, 29 March: <https://tinyurl.com/yb7fdunx>
- Smolenski, J. (2012). Chantal Mouffe vs Carl Schmitt: The political, democracy, and the question of sovereignty. *Hybris*, 16, 63–81: <https://ssrn.com/abstract=2203390>
- Srnicek, N. (2017). *Platform Capitalism*. Cambridge: Polity Press.
- Tambini, D., Leonardi, D., & Marsden, C. (2007). *Codifying cyberspace: Communications self-regulation in the age of internet convergence*. London: Routledge.
- Taylor, C. (2004) *Modern social imaginaries*. Durham, NC: Duke University Press.
- Terranova, T. (2000). Free Labor: Producing Culture for the Digital Economy. *Social Text*, 18(2), 33–58. doi:10.1215/01642472-18-2\_63-33
- The Economist (2017) The world’s most valuable resource is no longer oil, but data. 6 May: <https://tinyurl.com/ybsfte99>
- Trottier, D., & Fuchs, C. (2015). Theorising social media, politics and the state: An introduction. In D. Trottier & C. Fuchs (Eds.) *Social media, politics and the state* (pp. 3–38). London: Routledge.
- Tucker, J.A., Guess, A., Barberá, P., Vaccari, C., Siegel, A., Sanovich, S., Stukal, D., & Nyhan, B. (2018). *Social media, political polarization, and political disinformation: A review of the literature*. Menlo Park, CA: Hewlett Foundation. See: <https://tinyurl.com/y73g2y77>
- Twitter Safety (2017). Enforcing new rules to reduce hateful conduct and abusive behavior. *Twitter Blog*, 18 December: <https://tinyurl.com/yake4jlf>



- van Dijck, J. (2014). Datafication, dataism and dataveillance: Big data between scientific paradigm and ideology. *Surveillance and Society*, 12(2), 197–208. doi:10.24908/ss.v12i2.4776
- van Dijck, J., de Waal, M., & Poell, T. (2018). *The Platform Society: Public Values in a Connective World*. Oxford: Oxford University Press.
- Waldron, J. (2012). *The harm in hate speech*. Cambridge, MA: Harvard University Press.
- Winseck, D. (2018). Is the International Telecommunication Union still relevant in the ‘Internet Age’? Lessons from the 2012 World Conference on International Telecommunications (WCIT), School of Journalism and Communication, Carleton University.
- Wu, T. (2016). *The attention merchants: The epic scramble to get inside our heads*. New York, NY: Knopf.
- Wu, T. (2018). *The curse of bigness: Antitrust in the new gilded age*. New York, NY: Columbia Global Reports.
- Zuboff, S. (2019). *The age of surveillance capitalism: The fight for the future at the new frontier of power*. New York, NY: Profile Books.